

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the non-final Office Action mailed November 24, 2006.

Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 21 – 24, 26 – 31, 33 – 38, and 40 are pending. In particular, Applicants amend claims 21, 28, and 35. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim Objections

The Office Action indicates that claims 28, 33, and 35 are objected for including an allegedly incorrect status identifier in a previous response. Applicants amend claims 28 and 35 in this response and thus indicate the status of these claims as “Currently Amended.” Additionally, Applicants indicate the status of claim 33 (which is not amended in this response) is as being “Previously Presented.” Applicants submit that no further correction is required.

II. Double Patenting

The Office Action indicates that claims 21 – 24 and 26 – 27 are rejected under the judicially created doctrine of nonstatutory double patenting as being allegedly unpatentable over claims 1 – 5 of U.S. Patent Number 6,650,740 in view of U.S. Patent Number 6,195,418 and further in view of U.S. Patent 5,867,562. The Office Action also indicates that claims 28 – 31 and 33 – 34 are rejected under the judicially created doctrine of nonstatutory double patenting as being allegedly unpatentable over claims 6 – 11 of U.S. Patent Number 6,650,740. Applicants agree to file a terminal disclaimer at the time of allowance.

III. Rejections Under 35 U.S.C. §103

A. Claim 21 is Allowable Over *Shaffer* in further view of *Ridgley* and further in view of *Scherer*

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,567,507 ("*Shaffer*") in view of U.S. Patent No. 6,195,418 ("*Ridgley*") and further in view of U.S. Patent Number 5,867,562 ("*Scherer*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claim 21. More specifically, claim 21 recites:

A method to make a reply call to a voice mail message, comprising:
receiving a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number,*** and

in response to an indication to disconnect the communication between the subscriber and the caller, reconnecting the subscriber with the voicemail server. ***(emphasis added)***

Applicants respectfully submit that claim 21, as amended, is allowable over the cited art for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest a "method to make a reply call to a voice mail message, comprising... connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the***

accessing number” as recited in claim 21, as amended. More specifically, *Shaffer* discloses “a messaging system [that] includes a call processor and a message mailbox for storing a sequence of voice messages and a message mailbox for storing a sequence of voice messages in a queue” (column 2, line 11). Applicants respectfully submit that this is different than “connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 21, as amended. For at least this reason, claim 21, as amended, is allowable over the cited art.

Additionally, *Ridgley* fails to overcome the deficiencies of *Shaffer*. More specifically, *Ridgley* discloses a “message delivery system 1 [that] signals the billing system 6 to bill the telephone number associated with the calling unit 2” (column 8, line 13). Applicants respectfully submit that this is different than “connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 21, as amended. For at least this reason, claim 21, as amended, is allowable over the cited art.

Similarly, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*. More specifically, *Scherer* discloses a “system... [including] call processing [that] considers unique information about the caller to better serve the caller and/or enable the called party to more

efficiently handle the call” (Abstract). Applicants respectfully submit that this is different than “connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 21, as amended. For at least this reason, claim 21, as amended, is allowable over the cited art.

B. Claim 28 is Allowable Over Shaffer in further view of Ridgley and further in view of Scherer

The Office Action indicates that claim 28 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* in view of *Ridgley* and further in view of *Scherer*. Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claim 28. More specifically, claim 28 recites:

A system for making a reply call to a voice mail message, comprising:

a receiving component configured to receive a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***, and

a reconnecting component configured to, in response to an indication to disconnect the communication between the subscriber and the caller, reconnect the subscriber with the voicemail server. **(emphasis added)**

Applicants respectfully submit that claim 28, as amended, is allowable over the cited art for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest a “system for making a reply call to a voice mail message, comprising... a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 28, as amended. More specifically, *Shaffer* discloses “a messaging system [that] includes a call processor and a message mailbox for storing a sequence of voice messages and a message mailbox for storing a sequence of voice messages in a queue” (column 2, line 11). Applicants respectfully submit that this is different than “a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 28, as amended. For at least this reason, claim 28, as amended, is allowable over the cited art.

Additionally, *Ridgley* fails to overcome the deficiencies of *Shaffer*. More specifically, *Ridgley* discloses a “message delivery system 1 [that] signals the billing system 6 to bill the telephone number associated with the calling unit 2” (column 8, line 13). Applicants respectfully submit that this is different than “a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 28, as amended. For at least this reason, claim 28, as amended, is allowable over the cited art.

Similarly, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*. More specifically, *Scherer* discloses a “system... [including] call processing [that] considers unique information about the caller to better serve the caller and/or enable the called party to more efficiently handle the call” (Abstract). Applicants respectfully submit that this is different than “a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 28, as amended. For at least this reason, claim 28, as amended, is allowable over the cited art.

C. **Claim 35 is Allowable Over *Shaffer* in further view of *Ridgley* and further in view of *Scherer***

The Office Action indicates that claim 35 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* in view of *Ridgley* and further in view of *Scherer*.

Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claim 35. More specifically, claim 38 recites:

A computer readable medium configured to facilitate initiation of a reply call to a voice mail message, comprising:

logic configured to receive a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***, and

logic configured to, in response to an indication to disconnect communication between the subscriber and the caller, reconnect the subscriber with the voicemail server. ***(emphasis added)***

Applicants respectfully submit that claim 35, as amended, is allowable over the cited art for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest a “computer readable medium configured to facilitate initiation of a reply call to a voice mail message, comprising... logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory***

number, the directory number being different than the accessing number” as recited in claim 35, as amended. More specifically, *Shaffer* discloses “a messaging system [that] includes a call processor and a message mailbox for storing a sequence of voice messages and a message mailbox for storing a sequence of voice messages in a queue” (column 2, line 11). Applicants respectfully submit that this is different than “logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication **through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number**” as recited in claim 35, as amended. For at least this reason, claim 35, as amended, is allowable over the cited art.

Additionally, *Ridgley* fails to overcome the deficiencies of *Shaffer*. More specifically, *Ridgley* discloses a “message delivery system 1 [that] signals the billing system 6 to bill the telephone number associated with the calling unit 2” (column 8, line 13). Applicants respectfully submit that this is different than “logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication **through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number**” as recited in claim 35, as amended. For at least this reason, claim 35, as amended, is allowable over the cited art.

Similarly, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*. More specifically, *Scherer* discloses a “system... [including] call processing [that] considers unique

information about the caller to better serve the caller and/or enable the called party to more efficiently handle the call” (Abstract). Applicants respectfully submit that this is different than “logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication ***through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number***” as recited in claim 35, as amended. For at least this reason, claim 35, as amended, is allowable over the cited art.

D. Claims 22 – 23, 27, 29 – 30, 34, and 36 – 37 are Allowable Over Shaffer in view of Ridgley and further in view of Scherer

The Office Action indicates that claims 22 – 23, 27, 29 – 30, 34, and 36 – 37 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* in view of *Ridgley* and further in view of *Scherer*. Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* and further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claims 22 – 23, 27, 29 – 30, 34, and 36 – 37. More specifically, dependent claims 22 – 23 and 27 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 21. Dependent claims 29 – 30 and 34 are believed to be allowable for at least the reason that they depend from allowable independent claim 28. Dependent claims 36 – 37 are believed to be allowable for at least the reason that they depend from allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

E. Claims 24, 31, and 38 are Allowable Over Shaffer modified by Ridgley and Scherer and further in view of Ekstrom

The Office Action indicates that claims 24, 31, and 38 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* as modified by *Ridgley* and *Scherer* and further in view of U.S. Patent No. 6,148,069 ("*Ekstrom*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* as modified by *Ridgley* and *Scherer* and further in view of *Ekstrom* fails to disclose, teach, or suggest all of the elements of claims 24, 31, and 38. More specifically, dependent claim 24 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 21. Dependent claim 31 is believed to be allowable for at least the reason that it depends from allowable independent claim 28. Dependent claim 38 is believed to be allowable for at least the reason that it depends from allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

F. Claims 26, 33, and 40 are Allowable Over *Shaffer* modified by *Ridgley* and *Scherer* and further in view of *Berberich*

The Office Action indicates that claims 26, 33, and 40 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* as modified by *Ridgley* and *Scherer* and further in view of U.S. Patent No. 5,818,919 ("*Berberich*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* as modified by *Ridgley* and *Scherer* and further in view of *Berberich* fails to disclose, teach, or suggest all of the elements of claims 26, 33, and 40. More specifically, dependent claim 26 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 21. Dependent claim 33 is believed to be allowable for at least the reason that it depends from allowable independent claim 28. Dependent claim 40 is believed to be allowable for at least the reason that it depends from allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

G. Claims 27 and 34 are Allowable Over *Shaffer* modified by *Ridgley* and *Scherer* and further in view of *Albers*

The Office Action indicates that claims 27 and 34 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* as modified by *Ridgley* and *Scherer* and further in view of U.S. Patent No. 6,229,887 ("*Albers*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* as modified by *Ridgley* and *Scherer* and further in view of *Albers* fails to disclose, teach, or suggest all of the elements of claims 27 and 34. More specifically, dependent claim 27 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 21. Dependent claim 34 is believed to be allowable for at least the reason that it depends from allowable independent claim 28. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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